

Application No. 10/814,277
Response to Office Action mailed March 24, 2005

REMARKS

The present submission is in response to the Office action mailed September 22, 2004 in which the Examiner rejected claims 1-10, 16-18 and 20 and 22-25 as being anticipated by USP 5,049,011 to Bohnet, and claim 21 as being unpatentable over Bohnet. The Examiner also indicated that claims 11, 13-15 and 19 were deemed allowable, if amended to be written in independent form to include the limitations of their respective base claims and any intervening claims.

Claims 1-25 are pending.

Amendment to the Specification

The specification has been amended to add the number of the issued parent patent.

Amendment to the Claims

Claim 1 has been amended to recite "the front insert retaining portion having a width dimension that is smaller than a height dimension thereof, in a front view of the blade", and that one of these "is situated above the other along the height dimension".

It is submitted that Bohnet discloses no such thing, *even if Bohnet were regarded as a "blade"* (which Applicants still dispute)¹. In addition to not being a "blade"², Applicants reiterate that Bohnet does not disclose "insert receiving pockets . . . separated by a rearwardly extending recess, in a side view of the blade". First, as seen in Bohnet's side view of Fig. 4, no recess is visible – in fact, the central portion of Bohnet's front surface 8 seems to be the forwardmost portion of the front surface 8. Second, Bohnet has no other recess between the insert receiving pockets. At col. 3, lines 40-45, with reference to Fig. 1, Bohnet states:

¹ In the March 24, 2005 office action, the Examiner asserts that "the terms blade, shank and holder are analogous when it comes to describing a mounting structure for a cutting insert", and cites patent nos. 6,186,704 and 6,702,572 for this proposition. It is not clear what point the Examiner is trying to make. Just because all three terms refer to devices that can retain a cutting insert does not mean that one skilled in the art would use these terms interchangeably. As stated in the Rule 132 Declaration of Yaron Eisen, one skilled in the art certainly would not refer to Bohnet's drill as a 'blade', and this point remains unrefuted by the Examiner. Nothing in the two patents cited by the Examiner changes this.

² This point was fully discussed in the Amendment filed December 20, 2004.

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The two chip removal walls 6, in the region of the end surface 8 of the bore shank 1, are formed with essentially rectangular recesses 9. Cutter chips 10, made of hard metal, and which are indexable, are inserted in the respective recesses 9.

However, as can be seen, Bohnet's "cutter chips 10" are simply the cutting inserts, and Bohnet's "recesses 9" are simply insert receiving pockets – they clearly are not "recesses" within the meaning of pending claim 1.

In view of all the foregoing, it is submitted that claim 1, and all claims depending thereon, define over Bohnet, and should be allowed.

Rejection of Claim 22 under 35 USC 102(b)

The Examiner did not specifically explain the rejection of claim 22, and so it is difficult to specifically refute the Examiner's reasoning. The Examiner's rejection is nevertheless traversed.

Original Claim 22 recites, inter alia: (1) an annular disc having an axis of rotation; (2) a plurality of cutting tools clamped on said annular disc; (3) each cutting tool (having the structure recited in claim 1).

Bohnert simply does not disclose this combination. Therefore, claim 22 and dependent claims 23-25 are believed to be patentable over this reference. If the Examiner were to maintain the rejection of this claim, the Examiner is kindly ask to explain exactly how each and every limitation in independent claim 22 and in its dependent claims, is present in Bohnet.

With respect to all claims not specifically mentioned, these are believed to be patentable not only by virtue of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

Reconsideration of the application is requested. Claims 1-25 are believed to define over the prior art of record and be in allowable form. An early Notice of Allowance is requested so that the application may proceed to issue.

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No fee is believed to be due for the present submission. Should a fee be required, the Director is authorized to charge Womble Carlyle's Deposit Account No. 09-0528 for any such fee.

Respectfully Submitted,

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